

THE CITY OF SPRUCE GROVE

BYLAW C-1043-18

COUNCIL CODE OF CONDUCT BYLAW

WHEREAS, pursuant to the *Municipal Government Act*, RSA 2000 cM-26, and any amendments thereto, a municipality shall by bylaw establish a code of conduct governing the conduct of councillors;

AND WHEREAS, the code of conduct must apply to all councillors equally;

AND WHEREAS, the City of Spruce Grove is committed to fostering and achieving high standards of ethical conduct by all councillors as part of transparent and accountable governance;

NOW THEREFORE, the Council for the City of Spruce Grove, duly assembled hereby enacts as follows:

1. DEFINITIONS

- 1.1 “Act” means the *Municipal Government Act*, RSA 2000 cM-26, and amendments thereto.
- 1.2 “Administration” means the administrative and operational arm of the City, comprised of the various departments and business units including all employees who operate under the leadership and supervision of the City Manager.
- 1.3 “Censure Motion” means a motion passed by Council prescribing consequences for non-compliance with the Council Code of Conduct Bylaw.
- 1.4 “City” means the municipal corporation of the City of Spruce Grove, in the Province of Alberta.
- 1.5 “City Clerk” means the City Clerk or designate.
- 1.6 “City Manager” means the administrative head of the City.

- 1.7 “Confidential Information” means information that a Councillor has a legal duty not to disclose. It also includes information that is not public, and the disclosure of which could reasonably harm the interests of individuals or organizations, including the City. For additional clarity, Confidential Information does not include information that has been made publicly available.
- 1.8 “Council” means the Council of the City elected pursuant to the *Local Authorities Election Act*, RSA 2000 cL-21.
- 1.9 “Councillor” means a member of elected Council including the Mayor.
- 1.10 “Investigator” means the individual or body appointed by Council to investigate and report on complaints.
- 1.11 “Mayor” means the chief elected official.
- 1.12 “Municipal Election” means a general election, first election, by-election and a vote on a bylaw or question.
- 1.13 “Personal Information” means recorded information about an identifiable individual, as further specified in the *Freedom of Information and Protection of Privacy Act*, RSA 2000 cF-25.
- 1.14 “Social Media” refers to freely accessible, third-party hosted, interactive web-based technologies used to produce, post, and interact through text, images, video and audio to inform, share, promote, collaborate or network.

2. REPRESENTING THE MUNICIPALITY AND GENERAL REGULATIONS

- 2.1 Councillors shall:
- (a) consider the well-being and interests of the municipality and the community as a whole;
 - (b) perform their functions and duties in a conscientious and diligent manner with integrity, accountability, transparency, respect, and professionalism;
 - (c) ensure their comments and actions demonstrate respect for Council, its decisions, its decision making-process, Councillors, Administration, and staff;

- (d) accept their governance role as outlined by the Act and Council Procedure Bylaw;
- (e) set strategic objectives for the City as well as consider long-term planning and goals;
- (f) arrange their private affairs and conduct themselves in a manner that promotes public confidence and will bear close public scrutiny;
- (g) observe a high standard of professionalism when representing the municipality and in their dealings with Councillors or the broader public; and
- (h) Understand their fiduciary responsibility to the external boards and committees they have been appointed to and act in the best interests of that particular board or committee.

3. COMMUNICATING ON BEHALF OF THE MUNICIPALITY

- 3.1 The Mayor is Council's official spokesperson, unless Council has appointed another Councillor to act in this capacity.
- 3.2 Councillors may not speak on behalf of Council unless authorized to do so by the Mayor, or unless Council has clearly spoken as a body and granted permission to do so.
- 3.3 Comments made by the official spokesperson must not show disrespect for Council, its decisions, its decision-making process, Councillors, Administration, or staff.
- 3.4 Council's official spokesperson must ensure that their comments accurately reflect the official position and will of Council as a whole, even if the Councillor personally disagrees with Council's position.
- 3.5 Comments made by the official spokesperson must not give the media or any unauthorized person information brought to Council in confidence.
- 3.6 No Councillor shall make a statement when they know that statement is false.

- 3.7 No Councillor shall make a statement with the intent to mislead Council or Councillors or the public.
- 3.8 As a member of the community, Councillors retain the right to make public comment or speak to the media. Councillors will endeavor, when not speaking on behalf of Council, to clearly identify when opinions are stated that they are their own personal opinions and do not necessarily represent the position of Council nor unduly reflect on any Council decision.
- 3.9 If questioned by the media on their opinions regarding business yet to come before Council, Councillors should refrain from commenting to remove the risk of prejudicing the business in the Chamber.

4. SOCIAL MEDIA

- 4.1 All official City of Spruce Grove Social Media accounts are solely managed by Administration.
- 4.2 No Councillor shall use Social Media to publish anything that is dishonest, untrue, unsubstantiated, offensive, disrespectful, constitutes harassment, is defamatory or misleading in any way.
- 4.3 Council members may post to Social Media, but should refrain from the following:
 - (a) posting and/or sending electronic communications while a council meeting is in session;
 - (b) posting, sending or reading communications regarding quasi-judicial issues through Social Media;
 - (c) posting or sending communications through Social Media that discuss matters that are attorney-client privileged or that are still confidential matters.

5. RESPECTING THE DECISION-MAKING PROCESS

- 5.1 Councillors accept that effective governance of the municipality is critical to ensuring that decisions are taken in the best interests of all stakeholders and to enable the municipality to function as a good corporate citizen.

- 5.2 All Councillors should be given a full opportunity to address issues before Council in a full, open and professional manner to encourage and promote healthy debate of issues.
- 5.3 Decision-making authority lies with Council, and not with any individual Councillor. Council may only act by bylaw or resolution passed at a Council meeting held in public at which there is a quorum present. No Councillor shall, unless authorized by Council, attempt to bind the municipality or give direction to employees in Administration, agents, contractors, consultants or other service providers or prospective vendors to the City.
- 5.4 The decision of Council must be accepted and respected by all Councillors even if some individual Councillors do not agree with the majority decision.
- 5.5 While an individual Councillor may publically state that he/she did not vote with the majority of Council on an issue, this type of statement must be made in a manner that respects council's decision, council, other Councillors and City Administration.
- 5.6 Councillors shall conduct and convey Council business and all their duties in an open and transparent manner other than for those matters which by law are authorized to be dealt with in a confidential manner in an in camera session, and in so doing, allow the public to view the process and rationale which was used to reach decisions and the reasons for taking certain actions.
- 5.7 All Councillors recognize the responsibility of the spokesperson to accurately communicate the decisions of the Council, even if they disagree with such decisions, such that respect for the decision-making processes of Council is fostered.

6. ADHERENCE TO LEGISLATION AND POLICY

- 6.1 Councillors shall uphold the law established by the Parliament of Canada and the Legislature of Alberta and the bylaws, policies and procedures adopted by Council.
- 6.2 Councillors shall respect the municipality of the City of Spruce Grove as an institution, its bylaws, policies and procedures and shall encourage public respect for the municipality, its bylaws, policies and procedures.

- 6.3 A Councillor must not encourage disobedience of any bylaw, policy, or procedure of the City of Spruce Grove in responding to a member of the public, as this undermines public confidence in the municipality and the rule of law.

7. RESPECTFUL INTERACTIONS

- 7.1 Councillors are subject to the City's Respectful Workplace Policy, which promotes respectful interactions that show regard for the rights, dignity, health and safety of all. Councillor violations of this policy will be addressed in accordance with the complaint resolution and disciplinary provisions within this bylaw.
- 7.2 The Council-Administration Protocol Policy reinforces the roles and responsibilities of Council and Administration and guides their interactions. Councillor violations of this policy will be addressed in accordance with the complaint resolution and disciplinary provisions within this bylaw.

8. CONFIDENTIALITY AND INFORMATION MANAGEMENT

- 8.1 A Councillor must protect Confidential Information. This includes the following requirements:
- (a) a Councillor must not disclose Confidential Information, including to City employees, or to persons outside the City, except when:
 - (i) required by law;
 - (ii) authorized by Council; or
 - (iii) requested by City employees empowered to authorize such disclosure.

This obligation continues in perpetuity.

- (b) a Councillor must not use Confidential Information with the intention to cause harm or detriment to Council, the City, or any other person or body;
- (c) a Councillor must protect Confidential Information from inadvertent disclosure,

- (d) a Councillor must use Confidential Information only for the purpose for which it is intended to be used;
 - (e) a Councillor must take reasonable care to prevent the examination of Confidential Information by unauthorized individuals; and
 - (f) a Councillor must not use Confidential Information for personal or private gain, or for the gain of relatives or any person or corporation.
- 8.2 When dealing with Personal Information, a Councillor must comply with the provisions of the *Freedom of Information and Protection of Privacy Act*. All reasonable and necessary measures must be taken to ensure that the personal or private information of individuals is protected.
- 8.3 Members of Council should not access or attempt to gain access to Confidential Information in the custody of the City unless it is necessary for the performance of their duties and not prohibited by Council policy.
- 8.4 Councillors must retain City records and other City information in accordance with best practices as set out in the City's Return of Records Council, Task Forces, Boards and Committees Policy and within the Return of Records Acknowledgment and Undertaking.

9. CONFLICTS OF INTEREST

- 9.1 Councillors have a statutory duty to comply with the pecuniary interest provisions set out in Part 5, Division 6 of the Act and a corresponding duty to vote unless required or permitted to abstain under the Act or another enactment.
- 9.2 Councillors are to be free from undue influence and not act or appear to act in order to gain financial or other benefits for themselves, family, friends or associates, business or otherwise.
- 9.3 Councillors must not place themselves under any financial obligation that may influence them in discharging their duties and responsibilities as councillors.
- 9.4 Councillors shall approach decision-making with an open mind that is capable of persuasion.

- 9.5 Councillors shall not engage in any activity that is incompatible or inconsistent with the ethical discharge of a Councillor's duties and obligations as an elected official or board member in the City of Spruce Grove.

10. ACCEPTANCE OF GIFTS

- 10.1 Councillors will govern themselves in accordance with the requirements of the City's Gifts and Gratuities Policy with respect to the acceptance and registration of gifts offered to them.

11. IMPROPER USE OF INFLUENCE

- 11.1 No Councillor shall use their influence of their office for any purpose other than for the exercise of their duties.
- 11.2 No Councillor shall grant any special consideration, preferential treatment or advantage to any person or organization based solely on the identity of the person(s) or organization(s).
- 11.3 A Councillor may not direct the work of City employees, and should follow established channels of communication and authority when working with City employees.
- 11.4 A Councillor must not request City employees to undertake personal or private work on behalf of the Councillor, or accept such work from a City employee.

12. USE OF MUNICIPAL ASSETS AND SERVICES

- 12.1 Councillors shall not use electronic devices provided by the City for business use other than the business of Council with the exception of personal use providing this use is in adherence with City policies.
- 12.2 Councillors may not use any other City resources, property, equipment, services, information or supplies to pursue their private interest or the interest of someone they know.
- 12.3 Municipal property, equipment, service, supplies and staff resources that are available to the general public may be used by a Councillor for personal

use upon the same terms and conditions as the general public, including booking and payment of any applicable fees or charges.

13. ORIENTATION AND TRAINING ATTENDANCE

- 13.1 Unless excused by Council, Councillors and Council-elect are expected to attend:
- (a) orientation at the start of each Council term; and
 - (b) any training organized at the direction of Council or mandated by the Province of Alberta.

14. COMPLAINT PROCESS

Filing a complaint

- 14.1 A complaint alleging a breach of the Code of Conduct may be made by a Councillor, member of Administration or a member of the public.
- 14.2 A complaint must be filed in writing to the City Manager or designate, either by mail, email or facsimile and shall contain the following information:
- (a) the name and contact information of the complainant;
 - (b) the name of the Councillor(s) who have allegedly breached the Council Code of Conduct;
 - (c) the nature of the alleged complainant, including
 - (i) the provision of the bylaw allegedly violated; and
 - (ii) the facts surrounding the violation.
 - (d) the name and contact information of any witnesses to the incident.
- 14.3 An investigation will not be started without first having reasonable grounds to believe that the suspected breach is likely to occur, or has already occurred. This will be determined by Council through the weighing of the seriousness of the alleged action and the determination of whether the Code of Conduct has jurisdiction over the alleged incident.

- 14.4 The Mayor will appoint an independent third party Investigator to assess the complaint and make a recommendation to Council whether or not an investigation is warranted.
- 14.5 When Council is of the opinion that there are reasonable grounds for believing that a violation of the Code of Conduct may have occurred they shall determine whether the circumstances of the report require a formal investigation or whether the issues involved can be more promptly and efficiently resolved informally.
- 14.6 Council shall, where found to be warranted by a majority of Councillors, engage either:
- (a) a third party mediator to resolve a matter informally; or
 - (b) a third party Investigator to conduct the inquiry and present findings and recommendations to Council.

Not hearing a complaint

- 14.7 Council may refuse to hear a complaint that:
- (a) is not within Council's authority to investigate, or
 - (b) in the opinion of Council is frivolous, vexatious or not made in good faith, or
 - (c) the investigation is, or might be, hampered or the member might be prejudiced by insufficiency of information identifying the reporter, or
 - (d) concerns conduct by a Councillor during the period of a municipal election which in the opinion of Council is conduct outside of the legislated duties of Councillors.
- 14.8 Council may reject any complaint received:
- (a) more than 60 days after the date of the reported incident, or
 - (b) more than 60 days after the reporter became aware of the incident, or
 - (c) after the date of a municipal election which intervenes between the reported event and the date the report is received by Council.

- 14.9 In the period 60 days prior to the date of a Municipal Election, Council may direct that an investigation currently underway be suspended or refuse to hear a complaint received during that time period.
- 14.10 Upon refusing to hear or rejecting complaint, Council shall advise the reported in writing, setting out the reasons, and close the file.

Investigation and Resolution

- 14.11 Investigations will be carried out in accordance with the following:
- (a) incidents will be investigated as promptly as possible; and
 - (b) only those individuals absolutely necessary to verifying the complaint will be interviewed in order to maintain the confidentiality of the complainant and the respondent to the greatest extent possible. In all cases, both the complainant and the respondent will be interviewed and the respondent will be advised of the allegations they face and provided with an opportunity to answer the same. All reasonable efforts will be made to address the matter in a timely fashion.
- 14.12 If the violation alleged in the report provided by the Investigator is substantiated in whole or in part then:
- (a) The Investigator shall advise the City Clerk that he is prepared to provide the report to Council at the in camera portion of a Council meeting.
 - (b) The report will contain, at minimum, the following:
 - (i) summary of the issue;
 - (ii) summary of the findings; and
 - (iii) recommendation(s), including recommended sanctions if warranted.
 - (c) The City Clerk will work with the City Manager to include a report from the Investigator on the in camera portion of the agenda for the next regular or combined Council meeting at which consideration of the report can be accommodated.
 - (d) No less than 24 hours nor more than 48 hours prior to the start of the Council meeting at which the report is to be considered, the

Investigator will provide a copy of the report, on a strictly confidential basis, to the member or members about whom the complaint was made.

- (e) All other Council members shall receive the report on a strictly confidential basis at the time the report is discussed in camera.
- (f) Council will review the report and determine whether or not to adopt the recommendations.

14.13 Upon the completion of the investigation, both the complainant and respondent shall be notified of the findings within ten (10) business days.

Reporter confidentiality and reprisal

14.14 Every reasonable effort will be made to maintain the confidentiality of the reporter. However, the reporter's identity may be disclosed to ensure that a thorough investigation is conducted. The identity may be disclosed to parties on a need-to-know basis, including as required by law.

14.15 No Councillor shall take any action in reprisal, oral or written, against a reporter submitting a whistle-blower report in good faith. Where any member of Council is informed or becomes aware of possible reprisals against an individual as a result of a report under this bylaw, the City Manager shall be notified. Such notification will be treated in the same manner as a complaint using the process set out in this section.

14.16 No City employee shall take any action in reprisal, oral or written, against a reporter submitting a whistle-blower report in good faith. Where management is informed or becomes aware of possible reprisals against an individual as a result of a report under this policy, the manager must inform the Manager of Human Resources. A Reporter who believes he/she is being retaliated against should contact the Manager of Human Resources. The allegations of reprisals will be the subject of immediate investigation. Where the investigation substantiates the allegations of reprisals, the City Manager will be informed and the employee(s) deemed violating this bylaw will be subject to disciplinary action.

14.17 Protection against reprisal cannot be effectively provided to non-employees or those who choose to keep their identity anonymous.

15. COMPLIANCE AND ENFORCEMENT

- 15.1 Councillors must strictly comply with the Council Code of Conduct Bylaw.
- 15.2 In determining an appropriate Censure Motion, Council should have some practical rationale for doing so in the interest of proportionality and fairness. Once a Censure Motion has been passed, only a motion of Council can rescind the Censure Motion unless the motion was date specific.
- 15.3 Censure Motions for the Mayor are as follows:
- (a) Restrict or limit the Mayor's power such as presiding over Council meetings and/or being a member of all Council Boards as set out in Section 154 of the Act.
 - (b) Direct the Deputy Mayor to assume the Mayor's official obligations and responsibilities including presiding over meetings, calling special meetings, signing bylaws and cheques.
 - (c) Redirect the Mayor's additional compensation for performing the above duties to the Deputy Mayor as set out in Section 275.1 of the Act.
 - (d) Restrict the Mayor from attending meetings as the City's representative and acting as the City's spokesperson.
 - (e) Restrict the Mayor in his/her communications with Administration and third parties such as the Provincial or Federal governments and other municipalities.
 - (f) Direct the Mayor to adhere to the statutory obligations under the Act and the City's Code of Conduct Bylaw.
 - (g) Restrict the Mayor from attending FCM, AUMA and/or other conferences.
 - (h) Any other sanction or requirement Council may decide upon including but not limited to:
 - (i) a letter of reprimand addressed to the Mayor which may be published;
 - (ii) a request for the Mayor to issue a letter of apology which may be published;

(iii) a requirement of the Mayor to attend training.

15.4 Censure Motions for the Deputy Mayor are as follows:

- (a) Restrict or limit the Deputy Mayor's power such as presiding over Council meetings and/or being a member of all Council Boards as set out in Section 154 of the Act.
- (b) Direct another Councillor to assume the Deputy Mayor's official obligations and responsibilities.
- (c) Redirect the Deputy Mayor's additional compensation for performing their duties to the appointed Councillor above as set out in Section 275.1 of the Act.
- (d) Restrict the Deputy Mayor from attending meetings as the City's representative and acting as the City's spokesperson.
- (e) Restrict the Deputy Mayor in his/her communications with Administration and third parties such as the Provincial or Federal governments and other municipalities.
- (f) Direct the Deputy Mayor to adhere to the statutory obligations under the Act and the City's Code of Conduct Bylaw.
- (g) Restrict the Deputy Mayor from attending FCM, AUMA and/or other conferences.
- (h) Any other sanction or requirement Council may decide upon including but not limited to:
 - (i) a letter of reprimand addressed to the Deputy Mayor which may be published;
 - (ii) a request for the Deputy Mayor to issue a letter of apology which may be published;
 - (iii) a requirement of the Deputy Mayor to attend training.

15.5 Censure Motions for Councillors are as follows:

- (a) Restrict or limit the Councillor's power such as presiding over Council Committee meetings and/or being a member of all Council committees.
- (b) Restrict the Councillor in his/her communications with Administration and third parties such as the Provincial or Federal governments and other municipalities.
- (c) Direct the Councillor to adhere to the statutory obligations under the Act and the City's Council Code of Conduct Bylaw.
- (d) Restrict the Councillor from attending FCM, AUMA and/or other conferences.
- (e) Any other sanction or requirement Council may decide upon including but not limited to:
 - (i) a letter of reprimand addressed to the Councillor which may be published;
 - (ii) a request for the Councillor to issue a letter of apology which may be published;
 - (iii) a requirement of the Councillor to attend training.

16. CONDUCT DURING ELECTIONS

- 16.1 Councillors are required to conduct themselves in accordance with the *Local Authorities Election Act*, RSA 2000 cL-21 and the City's Municipal Use of Resources for Election Campaigns Policy.

17. REVIEW OF BYLAW

- 17.1 Council shall review this bylaw no later than four years from the date of enactment and every four years thereafter.

18. EFFECTIVE DATE

18.1 This bylaw shall come into force and effect when it receives third reading and is duly signed.

First Reading Carried June 25, 2018.

Second Reading Carried June 25, 2018.

Third Reading Carried _____, 20____.

Date Signed _____, 20 ____.

Mayor

City Clerk